

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**v.**

**MICHAEL T. FLYNN,**

**Defendant**

**Crim No.: 17-232 (EGS)**

**MOTION TO MODIFY CONDITIONS OF RELEASE**

The Defendant, by and through his undersigned counsel, respectfully moves the Court to modify the release conditions specified in the Court's Minute Order dated December 18, 2018, so that Defendant will be required to stay within a specified radius of either the District of Columbia or Middletown, Rhode Island. Defendant's counsel have conferred with the Special Counsel's Office, which has no objection to this motion.

In support of this motion, the Defendant states the following:

1. On December 18, 2018, the Court entered a Minute Order restricting Defendant's travel to within 50 miles of the District of Columbia, effective beginning January 4, 2019, and directing the Defendant to file a motion seeking leave of Court in the event he wishes to travel outside that area.

2. Prior to the Court's December 18 Minute Order, the Defendant, whose travel was not restricted in any way, had been traveling frequently back and forth between Alexandria, Virginia, and Middletown, Rhode Island. As described in the Presentence Report (Doc. 44) (November 20, 2018), he and his wife previously owned a house and now rent an apartment in Alexandria, *id.* at ¶¶ 82-83, and they have owned a home in Middletown, Rhode Island since

2005, *id.* at ¶¶ 48, 81. While his circumstances have been known by the Pretrial Services Agency, the Probation Office, and the Special Counsel's Office, undersigned counsel, upon reviewing the Minute Order, recognized the need to address these matters formally with the Court promptly, especially given that Defendant's movements will become restricted starting January 4.

3. During the time when the Defendant's ability to travel was unrestricted, he complied with every request from the Special Counsel's Office and other law enforcement authorities to meet and provide information pursuant to his commitment to full, complete, and forthright cooperation with law enforcement under his Plea Agreement. He appeared promptly in person for every single meeting requested by law enforcement authorities, and for the July 10 status hearing before the Court. The Defendant also compliantly checked in weekly by telephone with the Pretrial Services Agency, as the Agency's report to the Court indicates. See Pretrial Services Agency Status Report (Doc. 55) (December 14, 2018).

4. We seek by this motion to request release conditions that would enable travel to and from Rhode Island while still imposing significantly greater restrictions on the Defendant than had been in place prior to the Court's December 18 Minute Order. The restrictions would include surrender of the Defendant's passport, as required by the Minute Order, as well as a prohibition of travel outside the two specified areas unless the Defendant files a motion for leave, and the Court grants it. The modification we request would achieve the aim of assuring the Defendant's appearance at future court dates and the safety of the community.

5. Accordingly, the Defendant requests that his release conditions be modified so that he be required to stay within a specified radius of Middletown, Rhode Island, or within a specified radius of the District of Columbia, and that he be permitted to travel to and from those

locations upon such conditions as the Court in its discretion deems appropriate. Although the Court's December 18 Minute Order specifies a 50-mile radius of the District of Columbia, for Defendant's circumstances a 20-mile radius from D.C. and a 40-mile radius from Middletown would be sufficient to enable Defendant to get to the nearest airports and take direct flights between those two locations. While the condition suggested in the attached proposed Order would require two days' advance notice to the Pretrial Services Agency, we defer to the discretion of the Court regarding advance notice to, or approval by, the Pretrial Services Agency or the Court.

For these reasons, it is respectfully requested that this motion be granted and that the Court sign the attached order granting this Motion to Modify Conditions of Release.

December 26, 2018

Respectfully submitted,

/s/

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Robert K. Kelner (D.C. Bar No. 466880)  
Stephen P. Anthony (D.C. Bar No. 426536)  
Covington & Burling LLP  
One City Center  
850 Tenth Street, NW  
Washington, DC 20001-4956  
(202)-662-5503

*Counsel for the Defendant*